

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1, 7 and 10 and cancelled claim 9. Accordingly, claims 1-8 and 10 remain pending.

2.) Claim Rejections – 35 U.S.C. §112, 2nd paragraph

The Examiner rejected claim 9 as being indefinite. In order to expedite prosecution, the Applicant has cancelled claim 9 and, therefore, the rejection thereof is moot.

3.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 1, 2, 3, 4, 7, 8, 9 and 10 as being anticipated by Einola *et al.* (U.S. Patent No. 6,771,964). The Applicant has cancelled claim 9 and, therefore, the rejection thereof is moot. The Applicant traverses the rejection of claims 1, 2, 3, 4, 7, 8 and 10.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Einola fails to disclose each and every limitation of claims 1, 2, 3, 4, 7, 8 and 10 and, therefore, those claims are not anticipated thereby.

Einola discloses a method for handling a handover of a call of a mobile station from a serving wireless network to a neighboring wireless network. A core network node of the serving network generates a new network preference parameter based on capabilities of the mobile station and subscription data relating to the preference or permission of the user to utilize the neighboring network (Column 3, line 66 - column 4, line 2) or receives it from an HLR or the mobile station (Col. 7, lines 31-36). The parameter is sent along with an ASSIGNMENT REQUEST from the controller of the

core network to the controller of the radio access network (Column 6, lines 14-18). Einola, however **does not disclose** that the **core network node** checks the transfer permission parameter associated to the user terminal. Furthermore, the step of determining whether a handover of a call of the mobile station is to be performed is executed by the controller of the **radio access network** in response to the received parameter. In other words, determining that a transfer permission parameter indicates that a transfer of the associated user equipment is permitted, and that the user equipment belongs to a group of user equipment for which a preferred access network has been defined, are **not** executed by a **core network node**. Thus, Einola does not teach or suggest the claimed function of checking a transfer permission parameter value or the respective determining steps to be executed by a core network node. By enabling such function in a core network node, rather than a radio access network controller, a network operator can steer network traffic based on subscription and the service in use. When a network operator has such control, the usage of network resources can be optimized. As an example, a network operator may decide to push speech calls for low end users towards a 2G access network while directing high end user traffic to a 3G access network. Einola fails to disclose that functionality, as recited in claim 1, and, therefore, does not anticipate that claim.

Whereas independent claims 7 and 10 recite analogous limitations, they are also not anticipated by Einola. Furthermore, whereas claims 2-4 and 8 are dependent from claims 1 and 7, respectively, and include the limitations thereof, they are also not anticipated by Einola.

4.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 5 and 6 as being unpatentable over Einola in view of Lescuyer (European Pub No. 1257141 A1). The Applicant traverses the rejections.

As established *supra*, Einola fails to anticipate claim 1. The Examiner has not pointed to any teaching in Lescuyer that would overcome the deficiency in the teachings of Einola. Thus, claim 1 is not obvious in view of that combination of references.

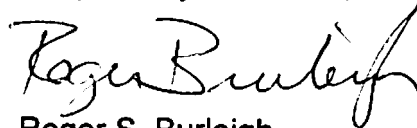
Therefore, whereas claims 5 and 6 are dependent from claim 1, and include the limitations thereof, they are also not obvious in view of those references.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-8 and 10.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Roger S. Burleigh
Registration No. 40,542

Date: December 7, 2009

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com